

2018

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

IN RE: : CASE NO.16-14483
TAMELA R. SCOTT : CHAPTER 13

DEBTOR(S) : JUDGE HOPKINS

: MOTION TO RETAIN INSURANCE
PROCEEDS

Comes now the Debtor who respectfully states that she has received or is about to receive insurance proceeds in the amount of \$12,145.28. Car Connection is the lien holder on the 2015 Kia Optima involved in an accident on December 22, 2017. The vehicle was deemed a total loss. There is currently a balance owed on the claim to Car Connection in the amount of \$6,861.93. After the secured claim to Car Connection is paid, there would be a remaining balance of \$5,283.35.

MEMORANDUM

Debtor proposes to pay \$2,783.35 to the Chapter 13 Trustee and retain \$2,500.00 for her maintenance and support pursuant to 11 U.S.C. Section 1325.

Debtor proposes to use the insurance proceeds for obtaining a replacement vehicle. Any appropriate Application to Incur would be submitted, if necessary.

The Plan currently provides for payment of 3 % to the unsecured creditors. The plan percentage will remain at 3 %.

Respectfully submitted,

/s/ Thomas M. Fesenmyer
Attorney for Debtor(s)
Attorney Reg. No. OH 0073901
120 W. Second St., Suite 1212
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Retain Insurance Proceeds was served (i) **electronically** on the date of filing through the court's ECF System on all ECF participants registered in this case at the email address registered with the court and (ii) by **ordinary U.S. Mail** on February 13, 2018 addressed to:

Tamela R. Scott, 6426 Elbrook Ave. Cincinnati, OH 45237

John McCabe, Attorney for Car Connection, 1317 Amsterdam Rd, Park Hills, OH 41011

(All Creditors)

See attached Mailing List

/s/ Thomas M. Fesenmyer
Debtor(s)' Attorney

(Official Form 20A Notice of Motion is required)

NOTICE

Your counsel has filed papers with the Court to retain tax refund, inheritance, bequest, lottery winnings, gifts or insurance proceeds.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy. If you do not have one, you may wish to consult one.

If you do not want the court to grant the Motion to Retain Tax Refund, Inheritance, Bequest, Lottery Winnings, Gifts or Insurance Proceeds or if you want the court to consider your views on the Motion, then within twenty-one (21) days from the date of service as set forth in the certificate of service below you or your attorney must file with the court a written request for a hearing {or, if the court requires a written response, an answer, explaining your position} at:

Clerk of the US Bankruptcy Court
Atrium Two, Suite 800
221 East Fourth Street
Cincinnati, Ohio 45202

You must also mail a copy to:

Thomas M. Fesenmyer
120 W. Second St., Suite 1212
Dayton, OH 45402

Margaret Burks, Chapter 13 Trustee
600 Vine Street
Suite 2200
Cincinnati, OH 45202

Office of the US Trustee
36 East Seventh Street
Suite 2030
Cincinnati, OH 45202

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: February 13, 2018

/s/ Thomas M. Fesenmyer
Debtor(s)' Counsel